

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

| | | |
|-----------------------------------|---|---------------------------|
| Perry Drake Gilmore, |) | C/A NO. 5:10-2663-CMC-KDW |
| |) | |
| Plaintiff, |) | |
| |) | OPINION and ORDER |
| v. |) | |
| |) | |
| Ronaldo D. Myers; Curtis Bufford, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

This matter is before the court on Plaintiff's *pro se* complaint, filed in this court pursuant to 42 U.S.C. § 1983.

On February 23, 2012, the undersigned granted summary judgment to Defendants and dismissed this matter without prejudice. ECF No. 62. On February 24, 2012, the Clerk received objections from Plaintiff, which were given to prison authorities on February 17, 2012. ECF No. 66-1 at 2. Therefore, pursuant to *Houston v. Lack*, 487 U.S. 266 (1988), these objections were timely filed.

After conducting a *de novo* review as to the objections made, and considering the record, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court affirms its earlier ruling that Defendants are entitled to summary judgment based upon Plaintiff's failure to exhaust administrative remedies. Plaintiff's objections fail to provide any affirmative proof (other than his self-serving statements which are not presented under oath) that he properly exhausted his administrative remedies prior to filing suit. Plaintiff was afforded an opportunity to respond to Defendants' contentions that he had failed to exhaust his administrative remedies, and his response rested entirely on the premise – unsupported by appropriate evidence – that he filed grievances but

they were ignored and/or destroyed by jail officials. Plaintiff contends in his objections that he “rarely ever got any responses [] especially [to] those claims that [detention center] employees could be held liable in.” Obj. at 1 (ECF No. 66, filed Feb. 24, 2012). This contention is belied by the record, which contains numerous grievances and responses thereto, including grievances regarding specific individuals. *See* Attachment to Aff. of Kathryn Harrell, ECF No. 32-7 (filed May 4, 2011).

Accordingly, the court affirms its Opinion and Order entered February 23, 2012.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
February 24, 2012